IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

RP.No. 179 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRP.589/2006 Dated 15/12/2006

.....

REVIEW PETITIONERS/REVISION PETITIONERS/PETITIONERS :

---

1. KANIYAPURAM ASAN MARAKKAR APPACHA THEKKATHU JANAKEEYA COMMITTEE PRESIDENT REPRSENTED BY KASIM KUNJU, S/O. YOOSUF KUNJU, MANAKKATTUVILAKOM VEEDU, THEKKEVILA MURI, PALLIPPURAM VILLAGE.

2. KANIYAPURAM ASAN MARAKKAR APPACHA THEKKATHU JANAKEEYA COMMITTEE SECRETARY, THAHA, S/O. MEERANKUTTI, MOOPANVILAKATHU VEEDU, KADINAMKULAM MURI, KADINAMKULAM VILLAGE.

3. KANIYAPURAM ASAN MARAKKAR APPACHA THEKKATHU JANAKEEYA COMMITTEE TREASURER, SHAHUL HAMEED, S/O. IBRAHIM KUNJU, MANAKKATTUVILAKATHU VEEDU, KADINAMKULAM VILLAGE.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR

RESPONDENTS/RESPONDENTS/COUNTER PETITIONERS:

---

1. ABDUL KHADER ASAN AHAMMEDU KUNJU, THEKKATHIL VEEDU, KADINAMKULAM DESOM, KADINAMKULAM VILLAGE.

2. KASIM PILLAI RASHEED -DO- -DO-

3. MOHAMMED SALI ABDUL HAKKIM -DO- -DO-

4. AYISHA BEEVI HOUWA UMMAL -DO- -DO-

5. AYISHA BEEVI NABEESA BEEVI -DO- -DO-

6. MOHAMMED KUNJU NAZEER, -DO- -DO-

7. PATHUMMA BEEVI LYLA, -DO- -DO-

8. ABDUL RASHEED NIZAR -DO- -DO-

9. AHAMMED KUNJU SUBAIRKUNJU, PATHUKANNI VEEDU, THEKKEVILA MURI, PALLIPPURAM PAKUTHI.

10. AASHYA UMMAL AYSHA BEEVI, THEKKATHIL VEEDU, KADINAMKULAM MURI, KADINAMKULAM PAKUTHI.

11. KANIYAPURAM MUSLIM JAMATH, REPRESENTED BY ITS PRESIDENT KANIYAPURAM MUSLIM JAMA ATH, KANIYAPURAM.

12. KANIYAPURAM MUSLIM JAMA -ATH SECRETARY, KANIYAPURAM CHANNANKARA P.O.

13. SULTHAN PILLAI S.S., SHA, SULTHAN MANZIL, CHITTATTUMUKKU DESOM, MENAMKULAM MURI, MENAMKULAM VILLAGE.

14. KHALIDU ABDUL MAJEEDU, MALAMELPARAMBU, KADINAMKULAM MURI, KADINAMKULAM VILLAGE.

15. KATHIRUPILLAI ABDUL SALAM, KANJIRAM MOOTTU VEEDU, MENAMKULAM MURI, MENAMKULAM VILLAGE.

16. MOHAMMED KANNU POOKUNJU CALLED M.P.KUNJU, NAVAS MANZILIL, KADINAMKULAM MURI, KADINAMKULAM VILLAGE.

17. ISMAYIL PILLAI SAIFUDEEN, VALIYAKADA BUNGLOW, KANIYAPURAM DESOM, VALIYAVEETTUMURI, PALLIPPURAM VILLAGE.

18. KALANTHARKUNJU BASHEER, BUSHRA MANZILLIL, KADINAMKULAM MURI, KADINAMKULAM VILLAGE.

BY ADV. SRI.THOMAS M.JACOB

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

R.P.NO. 179 OF 2007

IN

C.R.P.589 OF 2006

DATED THIS THE 20th DAY OF FEBRUARY, 2007

ORDER

This petition is filed to review the order in C.R.P.5898/06 along with an application to condone the delay in filing the same.

2. Learned Counsel appearing for petitioners and respondents were heard.

3. Arguments of learned Counsel appearing for petitioners was that the contentions permitted to be raised by this Court as per order in C.R.P.589/06 was earlier considered by the executing Court in Annexure A1 order and disallowed and those questions cannot be re-agitated by the decree holders and therefore the order is to be reviewed.

4. The case of petitioners is that the contentions were raised in Annex.A2 order and those contentions were rejected by the executing Court and Annex.A2 order was not challenged by the decree holders and it has become final. Annex.A1 order shows that the additional objection raised by petitioners were not allowed to be raised by the executing Court in view of the time limit fixed by this Court. In view of the final order which was challenged in C.R.P.589/06 and as

this Court permitted respondents to raise all the contentions before the executing Court, I do not find that order passed on 15.12.06 is to be reviewed on the basis of Annex.A1 order .

Review petition is dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

Acd